

OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management

MEMORANDUM OM 98-20

March 16, 1998

TO: All Regional Directors, Officers-in-Charge,
and Resident Officers

FROM: Richard A. Siegel, Associate General Counsel

SUBJECT: Wabash National Corporation d/b/a Fruehauf Trailer Services

Region 14 is investigating unfair labor practice charges filed by International Association of Machinists and Aerospace Workers (IAM) against Wabash National Corporation d/b/a Fruehauf Trailer Services (Wabash). Specifically, the charges in Region 14 allege that Wabash violated Section 8(a)(1), (3) and (5) by unlawfully withdrawing recognition from the IAM after inducing employees to decertify the IAM through promises of a wage increase and a profit-sharing plan; unlawfully interrogating employees; engaging in surveillance of employees' union and/or protected concerted activity; and implementing a profit-sharing plan and a \$0.50 per hour wage increase to dissuade employees from resuming union or other protected activity after Wabash withdrew recognition from the IAM. Charges have been filed by IAM in a number of Regions alleging other Section 8(a)(1) and (5) violations by Wabash, including withdrawal of recognition based on employee petitions, assistance in decertification efforts, and failure to bargain. In order to ensure proper coordination of these and other related unfair labor practice charges, please observe the following procedures:

1. Notify Region 14 Director Ralph R. Tremain of any charges that are filed in your offices that may deal with or arise out of a labor dispute with Wabash, and advise Region 14 of the status of your investigation. Please categorize any charges under Impact Analysis principles and investigate them accordingly. Although IAM filed the charges pending in Region 14, we understand that other labor unions may also file similar unfair labor practice charges against Wabash. Please be alert for such charges and notify Director Tremain.

When investigating these cases, please inquire into the following:

a. Whether Wabash officials or representatives, particularly Corporate Labor Relations Representative Keith Lane, participated in decertification efforts, screened employees for their union sympathies, or held meetings

where employees were promised wage increases and/or other benefits to dissuade them from supporting the union.

b. Whether Wabash distributed or displayed internal memoranda, decertification petitions or other documents promising wage increases and/or benefit packages to induce employees to abandon support for the union.

c. Whether wage increases and/or increased benefits were promised, either explicitly or implicitly, to employees if they submitted petitions to management renouncing the union. In the Region 14 cases, promises were made to bring union employees in line with employees at unrepresented facilities, or to grant scheduled nationwide increases if employees engaged in anti-union activity.

d. Whether Wabash appears to be engaging in surface bargaining, either by delaying meetings or by meeting only for very short periods of time.

2. When you believe that complaint is not warranted, please consult with Regional Director Tremain before soliciting a withdrawal or issuing a dismissal letter.

3. In merit cases, submit Agenda Minutes or Final Investigation Reports to Region 14 as soon as possible. Region 14 will coordinate with Washington Headquarters concerning further handling of the cases, including transfer and consolidation if necessary, as well as any settlement efforts.

4. Following an assessment of all pending charges, a determination will be made regarding further processing of such cases.

Questions concerning these procedures may be directed to me or to Deputy Assistant General Counsel Joseph J. Baniszewski.

R. A. S.

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cc: NLRBU